IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12429 of 2008
AWADH KISHORE ANAND
Versus
STATE OF BIHAR THRU. VIG.
For the petitioner: Mr. B.P.Pandey,Sr. Adv.
For the Vigilance: Mr. Prabhu Narayan Sharma,
Spl. P.P.
- - - -

4. 24.6.2008 Heard.

The case is under Sections 467,468,471,120B and 420 of the Indian Penal Code and Section 13(2) read with Section 13(i)(d) of the Prevention of Corruption Act, which was investigated by the Vigilance Police, vide Vigilance Case No. 23 of 2006. The array of accused is of as illustrious Officers as the then Sub-divisional Magistrate and L. R. D.C., Muzaffarpur, and some lower rank revenue employees besides the petitioner who has been descried as the son-in-law of the then Revenue Minister.

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One Kurban Mansoori, was carrying on some business in Mumbai and appears having earned some fortunes out of which he acquired 1.98 acres of land in the prime location of Muzaffrpur city which could be described in the revenue records by village Bhagwanpur. The case reveals a systematic and deep rooted conspiracy between the petitioner and the

Officers/employees of the State including the Sub-divisional Magistrate and L.R.D.C. so as to grabbing the said precious land by manipulating the records and some proceedings which could be drawn up by exercise of powers of the Sub-divisional Magistrate under the Code of Criminal Procedure.

The narration is very long running into 57 typed pages. The entire story is of hatching up the conspiracy and forging records in order to setting up a fictitious lady in the name of Sita Bai alias Fatima Mansoori and pressuring the lower rank revenue employees to act as per the desires of the then S.D.M. and L.R.D.C., allegedly, on the request or desire of the present petitioner who, as per the allegation, was exercising his clot of being the son-in-law of the then Revenue Minister. The manipulation could be illustrated by a few examples, like, the creation of a forged Nikahnama in order to setting up a lady as the second wife of the proprietor of the land, i.e., Kurban Mansoori and when the document was verified by seeking a statement from the Maulvi, the Maulvi

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reported that he had not even been born on the date which appeared on the Nikahnama. Likewise, the police was manipulated, the premises were locked up and proceedings under Section 144 of the Code of Criminal Procedure was drawn up by one of the accused, the then S.D.M., Muzaffarpur, and notices which were issued bore inscription in red ink "most urgent". The L.R.D.C. subjugated the sub-ordinate revenue employees by threatening their dismissal so much so that rent receipts were issued on dates on which the mutation order had not been passed by the L.R.D.C. The S.D.M., the L.R.D.C. and this petitioner were acting in tandem and were equally interested materially and mentally as well which could be indicated by one fact that the above three amongst themselves had apportioned equally 0.96 acres of land out of the total 1.98 acres. The matter came to light only when the S.D.M. sent notices in the names of the living wife of Kurban Mansoori and his elder daughter, i.e., Fatima Mansoori who took the cudgels against the Officers of the State and the present petitioner.

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The contention is that the Officers of the State named above including the employees sub-ordinate to them working in the Revenue Department as also one of the police Officers who had connived in the episode have been admitted to bail by a couple of Benches by various orders. The further contention is that the petitioner might be the son-in-law of the then Revenue Minister but if the Court considers the report and its totality it could find that it was running from the Officers and the employees and back as desired by the S.D.M. and, as such, the petitioner could not be the Kingpin of the racket.

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As against the above, learned counsel for the Vigilance Department, Shri Prabhu Narayan Sharma has contended that on a careful perusal of the report the Court may come to a conclusion that the petitioner was the prime mover who was making the Officers of the State and its employees act as per his desires in creating false records/documents so as to usurping the legitimate land belonging to its proprietor.

I was taken through the report and I

also went through it myself.

It is true that some of the persons who could not have lesser a role in the racket have been admitted to bail as may appear from the annexures in the form of the copies of orders passed by different Benches of this Court, but this also remains a truth that the petitioner was really wielding his clot of being the son-in-law of the then Revenue minister and was making each Officer of the State and its employees to dance to his tunes.

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The present case is an example of as to how the Officers of the State could go deep into the drain in misusing their responsibility and official position for pleasing their political masters.

Considering the facts of the case, I am not inclined to direct release of the petitioner on bail.

The petition is dismissed.

Kanth

(Dharnidhar Jha, J.)